

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 1 to HB0582

**Briley
Signature of Sponsor**

AMEND Senate Bill No. 779

House Bill No. 582*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-102, is amended by adding the following sentence between the first and second sentences of subdivision (6):

However, a defendant's prior convictions shall be considered evidence to the contrary and therefore a defendant who is being sentenced for a third or subsequent felony conviction involving separate periods of incarceration or supervision shall not be considered a favorable candidate for alternative sentencing. As used in the preceding sentence, "separate periods of incarceration or supervision" means that the defendant serves and is released or discharged from a period of incarceration or supervision for the commission of a felony prior to committing another felony. But if a defendant with at least three (3) felony convictions is otherwise eligible, such a defendant may still be considered a favorable candidate for any alternative sentencing that is within the jurisdiction of and deemed appropriate by a Drug Court.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.